

# MINUTES OF PLANNING COMMITTEE

22 MAY 2019

## PRESENT:

Councillors Miss Lawrence (Chairman), Bearne, Mrs Brown, Brown, Butlin, Ellis, Mrs Garcia, Gillias, Picker, Roodhouse, Sandison and Mrs Timms (substituting for Councillor Eccleson).

## 3. MINUTES

The minutes of the meetings held on 24 April 2019 and 16 May 2019 were approved and signed by the Chairman.

## 4. APOLOGIES

An apology for absence from the meeting was received from Councillor Eccleson.

## 5. DECLARATIONS OF INTEREST

Item 4 of Part 1 – Rugby Town Junior Football Club, Kilsby Lane, Rugby, CV21 4PN (R18/1992) – Councillors Miss Lawrence and Picker (non-pecuniary interest as defined by the Council's Code of Conduct for Councillors by virtue of being Ward Councillors).

The Committee was informed that Councillor Picker would be speaking as Ward Councillor as part of the public speaking process and would, in accordance with the procedure, leave the meeting once he had made his presentation on the application.

Item 4 of Part 1 – Rugby Town Junior Football Club, Kilsby Lane, Rugby, CV21 4PN (R18/1992) – Councillor Roodhouse (non-pecuniary interest as defined by the Council's Code of Conduct for Councillors by virtue of being involved as a Warwickshire County Councillor with both the club and Hillmorton Vale Residents' Association with regard to past applications in relation to the site).

Councillor Roodhouse left the meeting during the item in which he had declared an interest and took no part in the voting and discussion thereon.

Item 4 of Part 1 – Rugby Town Junior Football Club, Kilsby Lane, Rugby, CV21 4PN (R18/1992) – Councillor Bearne (non-pecuniary interest as defined by the Council's Code of Conduct for Councillors by virtue of his grandson being a member of the club).

Item 4 of Part 1 – Trickle Brook, Smeaton Lane, Coombe Fields, Rugby, CV23 0PS (R19/0287) – Councillor Gillias (non-pecuniary interest as defined by the Council's Code of Conduct for Councillors by virtue of being a Ward Councillor and by virtue of the two closest neighbours to the site being known to him).

Item 4 of Part 1 – Trickle Brook, Smeaton Lane, Coombe Fields, Rugby, CV23 0PS (R19/0287) – Councillors Mrs Garcia and Mrs Timms (non-pecuniary interests as defined by the Council's Code of Conduct for Councillors by virtue of being Ward Councillors).

Item 4 of Part 1 – The Stables Fitzjohns, Barby Road, Rugby, CV22 5QB (R17/1834) – Councillor Sandison (non-pecuniary interest as defined by the Council’s Code of Conduct for Councillors by virtue of being a Ward Councillor).

## 6. APPLICATIONS FOR CONSIDERATION

The Committee considered the report of the Head of Growth and Investment (Part 1 – agenda item 4).

All the representations received prior to the preparation of the agenda and considered by the Committee were referred to in the individual reports.

Subsequent representations also considered by the Committee related to the following applications.

(a) Parish Councils

(b) Third Parties

At the meeting, the following representatives attended under the Council’s public speaking procedure in respect of the following application.

(i) R18/1992 Rugby Town Junior Football Club, Kilsby Lane, Rugby, CV21 4PN

Councillor Picker (Ward Councillor on behalf of Hillmorton Vale Association)(object)

In accordance with the Council’s public speaking procedure, Councillor Picker left the meeting once all presentations had been made and took no part in the voting and discussion thereon.

(ii) R17/1834 The Stables Fitzjohns, Barby Road, Rugby, CV22 5QB

Mrs Katharine Diamond (objector)

Mr Jonathan Mabey (applicant)(supporter)

**RESOLVED THAT** - the Head of Growth and Investment be authorised to issue decision notices as indicated in relation to the applications below.

(a) installation of a turnstile, an outdoors grandstand seating, retention of two storage containers together with alterations to the roof of the main building at Rugby Town Junior Football Club, Kilsby Lane, Rugby, CV21 4PN (R18/1992) – Councillor Brown moved and Councillor Gillias seconded that the Head of Growth and Investment be authorised to grant planning permission subject to the conditions and informatives in the report together with condition 2 being amended to read, “Unless non-material variations are agreed in writing by the Local Planning Authority the development shall be carried out in accordance with plans and documents.

- Drawing No: NSRTFC002 Site location plan Received by the Local Planning Authority on 30/11/18

- Additional Information. Details on materials Received by the Local Planning Authority on 13/02/19

- Preliminary Roost Assessment. Date: February 19. Produced by Elite Ecology Received by the Local Planning Authority 14/02/19

- Drawing No: 249/005/C Proposed containers • Drawing No: 249/006/B Proposed turnstile
- Drawing No: 237/5/A Proposed plans and elevations north stand All above received by the Local Planning Authority on 04/04/19
- Drawing No: 237/1/D Site plan Received by the Local Planning Authority on 07/05/19
- Drawing No: 237/4/B Section and details pitch
- Updated Planning Statement (October 2018) Received by the Local Planning Authority on 08/05/19 “

- (b) erection of a single detached dwelling with associated works including construction of access, parking and turning area, provision of garden amenity at The Stables Fitzjohns, Barby Road, Rugby, CV22 5QB (R17/1834) - Councillor Butlin moved and Councillor Mrs Garcia seconded that the Head of Growth and Investment be authorised to grant planning permission subject to the conditions and informatives in the report together with condition 5 being amended to read, “No above groundworks shall take place until a specification of all proposed tree planting ( including those to replace defective TPO’d trees as detailed in Tree Report dated December 2017 ref: Fitzjohns\_Rugby/01) has been approved in writing by the LPA. This specification will include details of the quantity, size, species, position and the proposed time of planting of all trees to be planted, together with an indication of how they integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance. In addition all shrubs and hedges to be planted that are intended to achieve a significant size and presence in the landscape should be similarly specified. If within a period of 5 years from the date of planting of any tree/shrub/hedge that tree/shrub/hedge, or any tree/shrub/hedge planted in replacement for it, is removed, uprooted, destroyed or dies, (or becomes in the opinion of the LPA seriously damaged or defective), another tree/shrub/hedge of the same species and size originally planted shall be planted at the same place, unless the LPA gives its written consent to any variations”.
- (c) retrospective consent for change of use of the land from agricultural to use as an extension of the residential curtilage. Retention of wood store, workshop/store and greenhouse (resubmission of planning application reference R18/1734) at Trickle Brook, Smeaton Lane, Coombe Fields, Rugby (CV23 0PS) - Councillor Butlin moved and Councillor Mrs Garcia seconded that the Head of Growth and Investment be authorised to grant planning permission subject to the conditions and informatives in the report together with condition 5 being deleted and an additional informative being inserted to read, “The applicant is advised that the shipping container located adjacent to the buildings retained through this approval should be removed from the site within 28 days to avoid enforcement action.”
- (d) erection of one dwelling, improvements to the highway access and erection of single storey side extension to form a garage for the existing property at 208 Dunchurch Road, Rugby, Rugby, CV22 6HR (R18/2026) - Councillor Sandison moved and Councillor Roodhouse seconded that the Head of Growth and Investment be authorised to grant planning permission subject to the conditions and informatives in the report together with the following amendments to conditions, additional conditions and informatives:

Condition 8:

The widened access to the site for vehicles shall not be used unless a public highway footway and verge crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority.

Reason:

In the interests of Highway Safety.

Condition 9:

The proposed dwelling shall not be first occupied until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres and a 'y' distance of 90 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

Reason:

In the interests of Highway Safety.

Condition 11:

No part of the development hereby permitted shall be commenced until a scheme for the provision of four suitable nesting boxes to be erected on mature trees and/or buildings within the site has been submitted to and approved in writing by the Local Planning Authority. The scheme to include details of the box type, location and timings of works. Thereafter, the boxes shall be installed and maintained in perpetuity.

Reason:

To ensure that protected species are not harmed by the development.

Condition 12:

With regard to the new dwelling hereby approved, notwithstanding the provisions of the Town and Country (General Permitted Order) 2015 (as amended), or any other order revoking or re-enacting those orders, no development shall be carried out within Classes [A,B,C,D, E and F] of Schedule 2 Part 1 of the Order without the prior written permission of the Local Planning Authority.

Reason:

In the interest of residential amenity.

Condition 13:

Other than those shown on the approved plans no new windows shall be formed in the north elevation of the proposed dwelling, unless non-material variations are agreed in writing by the Local Planning Authority.

Reason:

In the interests of residential amenity.

Condition 14

The windows to be formed in the side, north elevation of the first floor of the proposed dwelling shall not be glazed or reglazed other than with obscure glass.

Reason:

To protect the residential amenity of neighbouring properties.

**Condition 15:**

All tree protection measures identified within the Arboricultural Method Statement and Tree protection plans (Dated 9<sup>th</sup> May 2019 Ref: 190308 0888 AMS V3) relating to the approved design details must be implemented prior to the construction phase and to the satisfaction and written approval of the LPA. Protective measures must remain in place until the completion of all construction works. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the LPA. Prior to the commencement of development a site meeting shall be held with the applicant, LPA tree officer and designated arboricultural consultant responsible for the site to inspect tree protection measures with any resultant actions required or mitigation implemented prior to development proceeding.

**Reason:**

To ensure retained trees are successfully incorporated into the design and are suitably protected from damage during the construction phase.

**Condition 16:**

A noise assessment shall be undertaken by a suitably qualified person to assess the noise impact on the proposed development, primarily with regard to the road traffic noise from the Dunchurch Road to the east of the proposed development. The report should include, if necessary, recommendations for acoustic insulation works to protect the occupants both inside the dwelling and the external amenity spaces. Any recommended works shall be completed prior to occupation of the development.

**Reason:**

In the interests of residential amenity and to ensure the details are acceptable to the Local Planning Authority; and to ensure the avoidance of significant adverse effects of noise and occupants of the proposed development.

**Informative 6:**

The development hereby permitted shall either:

- a) Be timetabled and carried out to avoid the bird breeding season (March to September inclusive) to prevent possible disturbance to nesting birds.'
- b) Not commence until a qualified ecologist has been appointed by the applicant to inspect the vegetation to be cleared on site for evidence of nesting birds immediately prior to works. If evidence of nesting birds is found works may not proceed in that area until outside of the nesting bird season (March to September inclusive) or until the young have fledged, as advised by the ecologist. Birds can nest in many places including buildings, trees, shrubs, dense ivy, and bramble/rose scrub. Nesting birds are protected under the 1981 Wildlife and Countryside Act.

**Informative 7:**

In order to reduce the likelihood of local residents being subjected to adverse levels of noise annoyance during construction, work on site must not occur outside the following hours: -

Monday – Friday 7.30 am – 18:00 pm

Saturday 8.30pm - 13:00 pm

**NO WORK ON SUNDAYS & BANK HOLIDAYS**

If work at other times is required permission should be obtained from the local planning authority.

Informative 8:

Suitable drainage provision and method of foul sewage disposal should be applied during the design and construction phase. The drainage and waste disposal system will need to comply with the Building Regulations 2010 Approved Document H (2015 Edition) - Drainage and Waste Disposal.

Informative 9:

Any external lighting shall be designed in such a manner that it will not cause light nuisance to nearby residential properties.

Informative 10:

The applicant should be advised that the new dwelling will be in a smoke control area and should provide suitable heating appliances to conform with the requirements of such an area.

- (e) change of use from hotel to 8 residential units at Alma Lodge Hotel, Albert Street, Rugby, CV21 2RS (R19/0048) - Councillor Picker moved and Councillor Butlin seconded that the Head of Growth and Investment be authorised to grant planning permission subject to the conditions and informatives in the report, noting that WCC Highways withdrew their objections to the scheme and that amended plans for 8 covered cycle parking spaces had been submitted.

## 7. ADVANCE NOTICE OF SITE VISITS FOR PLANNING APPLICATIONS

The Committee considered an advance notice of a site visit which had been submitted in accordance with the Council's procedures.

**RESOLVED THAT** – a site visit be held at Almond Grove, Newbold, Rugby (R19/0663) on a date and time to be agreed in liaison with the Chairman.

## 8. PLANNING APPEALS UPDATE

The Committee considered the report of the Head of Growth and Investment (Part 1 – agenda item 6) concerning progress with regard to planning appeals.

The Deputy Development and Enforcement Manager gave the following updates at the meeting:

- (i) Land to the rear of Florin Place, Hillmorton, Rugby (R17/1663) – appeal dismissed
- (ii) Dunsmore Garage site, Coventry Road, Thurlaston (R17/1977) – appeal dismissed
- (iii) Land adjacent to Brookside Cottage, Hinckley Road, Ansty, CV22 5SL (R17/1976) – appeal dismissed
- (iv) Oakfield Recreation Ground, Bilton Road, Rugby, CV22 7AL (R18/0214) – inquiry to be held at the Town Hall over four days in late September/early October 2019
- (v) The Paddocks, Top Road, Barnacle, CV7 9FS (R17/1251) – hearing held. Awaiting decision
- (vi) Grange Bowling and Sports Club, Stanley Road, Rugby (R18/1503) – appeal allowed
- (viii) 7 Nayler Close, Rugby, CV21 1XG (R19/0015) – appeal dismissed.

**RESOLVED THAT** – the report be noted.

**9. DELEGATED DECISIONS – 28 MARCH 2019 TO 17 APRIL 2019**

The Committee considered the report of the Head of Growth and Investment (Part 1 - agenda item 7) concerning decisions taken by her during the above period.

**RESOLVED THAT** – the report be noted.

**CHAIRMAN**